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17 UNITED STATES DISTRICT COURT
18 FOR THE CENTRAL DISTRICT OF CALIFORNIA
19 WESTERN DIVISION

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21 IN RE: { CV MISC. NO. 15-247
22 LETTERS ROGATORY FROM THE { APPLICATION FOR ORDER
23 DISTRICT COURT OF KOPER, { APPOINTING THE ASSISTANT
24 SLOVENIA { UNITED STATES ATTORNEY AS
25 { COMMISSIONER
26 { (28 U.S.C. § 1782)
27 {
28 }

29 The United States of America by the undersigned, Eileen M. Decker, United
30 States Attorney for the Central District of California, by Leon W. Weidman,
31 Assistant United States Attorney, Chief, Civil Division, by Roger E. West,
32 Assistant United States Attorney, First Assistant Chief, petitions this Court for an
33 Order, pursuant to § 1782 of Title 28 of the United States Code, in the form
34 submitted, appointing Roger E. West, Assistant United States Attorney, First
35 Assistant Chief, Civil Division, or his successor in office, as Commissioner and
36 directing the taking of evidence from Miha Plut who, it has been determined,

1 resides or can be found within the jurisdiction of this Court, pursuant to the terms
2 and conditions set forth in the Letters Rogatory issued by the above-entitled court
3 in Koper, Slovenia, pertinent to the case Miha Plut v. Silvana Caserman, et al.,
4 case number P 245/2010.

5 Attached as Exhibit 1 is a copy of the Letters Rogatory from the court in
6 Slovenia. The court in Slovenia is asking that the evidence set forth in Exhibit 1 of
7 p. 12 be obtained from Miha Plut by means of a deposition. Notice will be given
8 to the court in Slovenia of the date and time of the taking of evidence.

9 The only restrictions explicitly stated in 28 U.S.C. § 1782 are: (1) that the
10 request be made by a foreign or international tribunal or any interested person; (2)
11 that the testimony or material requested be for use in a proceeding in a foreign or
12 international tribunal; and (3) that the person or entity from whom the discovery is
13 sought is a resident of or can be found in the district where the application is filed.
14 See In Re Request for Judicial Assistance from the Seoul District Criminal Court,
15 Seoul, Korea, 555 F.2d 720, 723 (9th Cir. 1977); United States v. Sealed 1, Letter
16 of Request for Legal Assistance from the Deputy Prosecutor General of the
17 Russian Federation, 235 F.3d 1200, 1205 (9th Cir. 2000) (citing Korea at 555 F.2d
18 at 723 that, “Under the statute the only restrictions explicitly stated are that the
19 request be made by a foreign or international tribunal, and that the testimony or
20 material requested be for use in a proceeding in such a tribunal”); In Re Bayer AG,
21 146 F.3d 188, 192 (3rd Cir. 1998).

22 All these three requirements are met in this case. First, the request was
23 made by the District Court of Koper, Slovenia, which is a foreign tribunal.
24 Second, there is a proceeding in that court entitled, Miha Plut v. Silvana Caserman,
25 et al., case number P245/2010, and the evidence being sought is for use in that
26 proceeding by that court. Finally, it has been determined that Miha Plut resides or
27 can be found within the jurisdiction of this Court.

28

Therefore, the United States respectfully requests the Court to sign the Order, being lodged under separate cover, appointing Roger E. West, Assistant United States Attorney, First Assistant Chief, Civil Division, or his successor in office, as Commissioner, and directing the taking of testimony from Miha Plut, to enable the court in Slovenia to complete the proceedings before it.

DATED: This 17th day of September, 2015.

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